

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FIDELITY NATIONAL TITLE
INSURANCE COMPANY,

Plaintiff,

v.

No. 1:20-cv-01045-JDB-jay

CHRISTOPHER DOLES,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION WITHOUT PREJUDICE AND
DIRECTING PLAINTIFF TO FILE AN APPLICATION FOR ENTRY OF DEFAULT

Before the Court is the April 21, 2020, motion of Plaintiff, Fidelity National Title Insurance Company ("Fidelity"), for default judgment. (Docket Entry 13.) An entry of default under Federal Rule of Civil Procedure 55(a) "is a prerequisite to entry of a default judgment under Rule 55(b)." *Ramada Franchise Sys. v. Baroda Enters., LLC*, 220 F.R.D. 303, 305 (N.D. Ohio 2004) (citation omitted); *see also RQSI Global Asset Allocation Master Fund, Ltd. v. AperCu Int'l PR LLC*, No. 3:15-CV-00778-CRS, 2019 U.S. Dist. LEXIS 77104, at *11 (W.D. Ky. Feb. 21, 2019) ("To obtain a judgment by default, the moving party must initially request that the Clerk of the Court enter a default under Fed. R. Civ. P. 55(a).").

No default has been entered in this case as Plaintiff did not first file an application with the Clerk for an entry of default. Accordingly, the Court DENIES Fidelity's motion without prejudice and DIRECTS Fidelity to submit an application to the Clerk of Court for an entry of default.

IT IS SO ORDERED this 21st day of April 2020.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE